

Serial No. 09/985,905
Amdt. dated **November 30, 2004**
Reply to Office Action of September 7, 2004

Docket No. MRE-0037

REMARKS/ARGUMENTS

Claims 1-20 are pending. By this amendment, the specification and claims 1 and 5 are amended to correct typographical errors. Claims 8-20 are added. Support for the new claims can be found throughout the specification and drawings. No new matter has been added.

Applicant gratefully acknowledges the indication on page 6, item 6 of the Office Action that claims 4, 6 and 7 are allowed and that claim 5 would be allowable if rewritten to correct a minor typographical error. Reconsideration of the rejections is respectfully requested in view of the foregoing amendments and the following remarks.

I. FORMAL MATTERS

On page 2, item 3 of the Office Action, the specification is objected to for containing minor informalities. The typographical errors are corrected in the specification. Withdrawal of the objection is respectfully requested.

On page 2, item 4 of the Office Action, claims 1 and 5 are objected to for containing minor informalities. Claims 1 and 5 are amended to correct the typographical errors. Withdrawal of the objection is respectfully requested.

II. REPLY TO REJECTIONS

On page 2, item 5 of the Office Action, claims 1-3 are rejected under 35 U.S.C. §103(a) over Applicant's Admitted Prior Art (AAPA), in view of U.S. Patent No. 6,234,031 to Suga. The rejection is respectfully traversed.

Applicant's Admitted Prior Art, as shown in Figure 1 of the present application, is a fingerprint detection apparatus which includes a transparent insulating layer 1, a transparent electrode layer 2 formed over the insulating layer, and a light emitting layer 3 formed over the electrode layer. As disclosed in the present application, a power source may be connected to the transparent electrode layer. When a user's finger is brought into contact with the light emitting layer, the friction ridges of the fingerprint actually contact the light emitting layer, and the valleys between the friction ridges do not. An electrical field is induced between the transparent electrode layer and the friction ridges of the fingerprint, and that electrical field causes the light emitting layer to emit light in a pattern that corresponds to the pattern of friction ridges on the fingerprint.

Suga discloses a fingerprint detection apparatus which reads a fingerprint pattern based on a pressure distribution obtained when a finger is pressed against the fingerprint detection apparatus (column 1, lines 9-11). The Suga apparatus includes a detection driving circuit unit 104 formed below a shape transfer unit 108.

The shape transfer unit 108 includes deformation layer 105. A flexible electrode 106 is formed on the deformation layer 105 and a deformable surface protective layer 107 is formed on the flexible electrode 106. Suga specifically discloses that when a finger is pressed from above against its flexible electrode 106, a ridge portion of the fingerprint exerts a pressing force that acts upon the flexible electrode, whereupon the flexible electrode yields and allows a deformation layer 105 to be crushed. However, in the valley portions of the fingerprint, the flexible electrode 106 is not pressed downward (column 7, lines 1-11).

The driving circuit unit 104 consists of a substrate member 101, a plurality of detection electrodes 103 arranged on the substrate member 101, and an insulating protective layer 102 formed above the substrate and the electrodes 103. The distance between the flexible electrode 106 and the detection electrodes 103 varies due to the pressing of the deformation layer 105. The variation in distance between the flexible electrode 106 and the detection electrodes 103 causes an electrostatic capacitance between the flexible electrode 106 and the detection electrodes 103 to vary. It is this variation of electrostatic capacitance between the flexible electrode 106 and the detection electrodes 103 which is converted into electric signals which can be output to determine a pattern of the fingerprint (column 9, lines 59-67).

Claim 1 recites a transparent electrode layer, a light emitting layer formed on the transparent electrode layer, a plurality of patterned floating electrodes arranged on the surface of

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the light emitting layer, and a transparent insulating layer formed at the bottom of the transparent electrode layer.

Note, the Suga mechanism lacks any sort of light emitting layer. Instead, the Suga apparatus simply outputs a plurality of electrical signals from the plurality of detection electrodes 103. These electrical signals must then be interpreted to create an optical image of the fingerprint. Thus, the Suga device has a completely different principle of operation than the AAPA device.

Because the AAPA device operates in a completely different manner than the Suga device, the AAPA device has no need for the detection electrodes that are present in the Suga device. It would serve no purpose to add Suga's detection electrodes to AAPA device, especially in a position corresponding to the position they have in the Suga device. Accordingly, it is respectfully submitted that one of ordinary skill in the art would have had no motivation to add the detection electrodes of the Suga mechanism to the AAPA device to arrive at a device as recited in claim 1. It is further respectfully submitted that it would require the impermissible use of hindsight, in view of Applicant's own invention, to find a motivation for such a combination. For all these reasons, it is respectfully submitted that the asserted combination is improper. Withdrawal of the rejection of claims 1-3 is requested.

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III. NEW CLAIMS 8-20

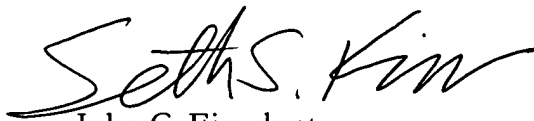
By this Amendment, claims 8-20 are added to the application. The new claims are allowable for reasons similar to those given above in connection with claim 1.

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Seth S. Kim**, at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "John C. Eisenhart".

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